

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

U.S. COSMETICS CORPORATION

and

Case 01-CA-135282

TYLER HOAR

and

Case 01-CA-139115

WILLIAM ST. HILAIRE

ORDER¹

The Employer's petition and amended petition to revoke subpoena duces tecum B-1-KZYB8X is denied. The subpoena seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.² See generally, *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., May 8, 2015.

MARK GASTON PEARCE, MEMBER

HARRY I. JOHNSON, III, MEMBER

LAUREN McFERRAN, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² To the extent that the Employer has already provided the Region with documents encompassed by this subpoena, it is not again required to provide them, provided that the Employer accurately describes which documents under subpoena it has already provided, states whether those previously-supplied documents constitute all of the requested documents, and provides all of the information that was subpoenaed.

Member Johnson would grant the subpoena in part, by restricting the otherwise burdensome search for electronic documents related to absenteeism to two years back from the date of the subpoena.